

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

FRANK ANCONA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:10-cv-00626-RWS
	)	
MARK TEMPLETON, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**CONSENT MOTION TO WITHDRAW MOTION FOR PRELIMINARY  
INJUNCTION AND JOINT MOTION FOR SCHEDULING ORDER**

Comes now Plaintiff and, with consent of Defendants, moves this Court for entry of an order permitting him to withdraw his motion for preliminary injunction and the parties jointly asking this Court to enter a scheduling order. Further the parties state:

1. Pending before this Court is Plaintiff's motion for preliminary injunction. (Doc. # 17). A hearing is scheduled on May 25, 2010. (Doc. # 18). The parties have reached a resolution sufficient to eliminate the need for preliminary injunctive relief. Accordingly, Plaintiff, with the consent of Defendants, seeks to withdraw his motion for preliminary injunction.
2. The parties have conferred and determined that this case can likely be resolved after a short period for discovery. Thus, the parties jointly ask this Court to enter a scheduling order permitting discovery for a ninety-day period from May 26, 2010 through August 24, 2010, to conduct discovery with dispositive motions to be filed no later than September 23, 2010.

WHEREFORE the parties ask this Court to permit Plaintiff to withdraw his motion and to enter a scheduling order.

Respectfully submitted,

By: s/ Anthony E. Rothert

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 21, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and a copy was made available electronically to the following electronic filing participants:

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